

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DR. JOHN A. REPICCI and LORRAINE REPICCI,
Individually, and JULIE STONE as Trustee of the
JOHN A. REPICCI IRREVOCABLE LIFE
INSURANCE TRUST and THE REPICCI
IRREVOCABLE FAMILY TRUST,

Plaintiffs,

v.

CHRISTOPHER R. JARVIS and OJM Group LLC,

Defendants.

**REPLY DECLARATION
OF ANDREW P.
DEVINE IN FURTHER
SUPPORT OF OJM'S
MOTION FOR
JUDGMENT ON THE
PLEADINGS AS
AGAINST PLAINTIFFS'
COMPLAINT**

Case No. 1:17-CV-132-
WMS-MJR

Andrew P. Devine, Esq., declares under penalty of perjury, pursuant to 28
U.S.C. § 1746:

1. I am an attorney duly admitted to practice in New York State and this
Court, and am associated with Phillips Lytle LLP, counsel for defendant OJM Group, LLC
("OJM").

2. I offer this reply declaration in further support of OJM's motion for
judgment on the pleadings as against plaintiff's Complaint, seeking dismissal of plaintiffs'
Complaint as against OJM, with prejudice and without leave to replead.

3. Attached as **Exhibit 8**¹ is a copy of the California Secretary of State's
business registry index for Jarvis & Mandell, LLC ("J&M"), which shows that it was
formed in 1998.

¹ Exhibits 1 through 7 are attached to the declaration of Andrew P. Devine, dated
May 26, 2017.

4. J&M was converted into a Florida Limited Liability Company, effective January 1, 2007. On June 26, 2012, J&M changed its name to Jarvis & Duby, LLC. On September 27, 2013, Jarvis & Duby, LLC was administratively dissolved (“ADMIN DISSOLUTION FOR ANNUAL REPORT”). Attached as **Exhibit 9** are copies of Jarvis & Duby, LLC’s corporate filings index and filings with the Florida Division of Corporations, which show J&M’s 2007 conversion into a Florida Liability Company, its 2012 name change to Jarvis & Duby, LLC, and Jarvis & Duby, LLC’s 2013 administrative dissolution.

5. For the reasons set forth in OJM’s initial and reply memoranda of law, OJM requests that the Court dismiss the Complaint with prejudice, and without leave to replead.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 16, 2017, in Buffalo, New York.

/s/ Andrew P. Devine

Andrew P. Devine

Doc #01-3048230.